



**U.S. Department of Justice**  
Office of Information Policy  
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*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Emma Best  
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Re: Appeal No. DOJ-AP-2019-002857  
Request No. 1422212  
MWH:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all "preprocessed" documents in the FDPS system. I note that your appeal concerns the FBI's determination that your request is not reasonably described.

After carefully considering your appeal, I am affirming the FBI's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b) (2018). The FBI informed you that your request for preprocessed records in FDPS was not reasonably described. I have determined that the FBI's response was correct. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without individually pulling and reviewing hundreds of thousands of files. Courts have consistently held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). The FDPS system receives tens of thousands of requests per year, and contains hundreds of thousands of requests total, with millions of pages that would potentially be responsive to your request. Nor would the FBI simply be able to locate and print all of those pages. All of them would have to be individually reviewed for applicable FOIA exemptions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/13/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL